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the zone hitherto reserved to the police power of the States? For example, may a national eight hour day law (not confined to interstate commerce, etc.) be passed to enforce the labor covenant of the Peace Treaty? Concerning these questions Mr. Sutherland says that the President and the Senate should coöperate and that, when necessary to enforce treaties, the powers of Congress extend beyond those enumerated. But what is needed now is an elaborate and reasoned study of these questions which are not free from difficulty. Recent events have shown the necessity for an exact demarcation of the Presidential and Senatorial prerogatives, and if the United States is not to be compelled to allow the fulfillment of its international obligations to be dependent upon the uncertain whims of forty-eight States, the doctrine must be accepted—anathema though it will be to one school of constitutional interpretation—that Congress may enforce its treaties and do this as if there were no reserved rights of the States.

Mr. Sutherland's analysis of the matters he discusses is purely legal; we are given constitutional law as it is in books and decisions. Constitutional law in action—what Presidents and Senates have done and what they should do—is a field of inquiry which will give valuable results. But Mr. Sutherland's use of the legal viewpoint should not be criticised, since we cannot go for a rule on the question to that reference table for reviewers, the absence of which was deplored in beginning this notice.

LINDSAY ROGERS.

THE LIFE OF JOHN CALDWELL CALHOUN, in two volumes, by William M. Meigs. (New York: The Neale Publishing Co., 1917.)

This work, the latest and most complete biography of the great South Carolinian, furnishes gratifying proof of the fact that Northerners are seeing far more clearly than they did formerly the Southern point of view in the great sectional struggle waged first in the halls of Congress, in State Legislatures and upon the stump, and finally upon the battle-field. Mr. Meigs speaks, for example, of "the difficulty and even pathos of the Southern position upon the whole subject of slavery. It was a perfectly legal system, hedged around on all sides by the en-crusted law-growth of centuries, * * *. They did not, moreover, create the system but inherited it from a long gone past, and their ancestors had slowly established it with the active aid and keen profit-sharing participation of the very communities now seeking to drive it from the world. Slavery had suited their climate and the needs of the labor required and had grown so much to be an integral part of themselves that they could see no way to shake it off. As was but natural, too, when attacked, they at once bridled up, clung closer and closer to the system and soon proclaimed it to be a blessing.

"In this much criticised assertion of theirs, * * * they by no means meant that, should a new continent arise in the world, they would advocate the introduction of slavery into it, but merely that in their own homes, where existed side by side a race of masterful whites

and a horde of incapable Africans, they were convinced that the then existing state of affairs was on the whole the best. * * * Nor do thoughtful people fail to see difficulties of a most serious nature in the state of affairs now existing in the South, when the whole country winks at—and even approves as a necessity—the practical disfranchisement of the black race and to no little extent the enforcement of a different system of laws for the ex-slave from that which obtains for the once master. In the lapse of a few years, the negro has already become to no little extent, as Calhoun thought in 1836 would be the case in the event of abolition, the slave of the community, instead of the individual."

Few Northerners, until recently, were capable of taking so judicial a view as is expressed in these words of Mr. Meigs; and his opinion of Calhoun is as just as his view of the South.

Calhoun, being a man of powerful intellect and determined will, made many enemies, as all strong public leaders necessarily do. Few American statesmen have had a longer or more varied political career than he. Entering the South Carolina Legislature at the age of twenty-six, his great ability pushed him almost immediately into prominence, and during the subsequent forty-two years he served in the Federal House of Representatives, as Secretary of War, as Vice-President, as United States Senator, as Secretary of State and again as Senator. Dealing, as he did, and dealing fearlessly with all the great political questions of that time, he came into collision with Webster, Clay, Jackson, J. Q. Adams, Van Buren and Benton, as well as with many lesser politicians, and it is not strange that many attacks were made upon him. His motives were questioned in his own day, and many persons—particularly since the War of Secession—have regarded him as a malign spirit who for years had labored at the task of rending his country asunder in order that he, disappointed in his presidential aspirations, might at least play the leading part in the Southern section.

But Mr. Meigs shows clearly the utter baselessness of this idea, proving conclusively that Calhoun passionately loved the Union to the very last. It was, indeed, just because he loved the Union so intensely, the constitutional Union of Sovereign States, that he so courageously fought every encroachment, presidential or congressional, upon constitutional right. For he saw more clearly than almost any one else that such encroachments might lead one section of the country to feel that the price of even union might be too great to pay. He knew that Washington, and Jefferson, and Henry, and Adams and Franklin had loved the union of the colonies with the mother country, but had been driven at last into disunion. He dreaded, beyond all other things, a similar driving of the South into separation from the North. As early as 1816 he had declared that the single word disunion "comprehended almost the sum of our political dangers." As a college student at Yale and as a law student at Litchfield, Connecticut, he had been familiar with the talk of secession by New Englanders. He knew how, during the second war with Great Britain, the Hartford Convention had reached the very brink of secession. Hence, when the war was over,

he was eager to bind together the different parts of the country by legislation of various kinds. He favored, for example, the construction of roads by the federal government in order to facilitate military defense and commercial intercourse between all sections of the country. Knowing how New England's foreign trade had been hurt by the war, and how manufacturers had sprung up there, he generously advocated the protective tariff of 1816 against the agricultural interest of his own state. He was also foremost in advocacy of the chartering of the Second United States Bank. If he changed his mind about the tariff in later years and became the leader in Nullification, it was because circumstances had enormously changed and because his mature judgment enabled him to see facts and tendencies to which his generous youthful ardor had blinded him before.

The real meaning of Nullification, as advocated by Calhoun with intense reluctance, has been much misunderstood. But his biographer has cleared up the misconception and made it plain that Calhoun neither desired to break up the union nor expected South Carolina to stay in the union while permanently nullifying a congressional act. What he really desired was to induce Congress to reduce the outrageous tariff by which South Carolina and other Southern States were being bled for the benefit of other regions. That object he largely achieved, although by so doing he incurred the hatred of the irascible Jackson and thus forfeited his best hope of reaching the White House himself. His ambition to be President was strong, but in this matter, as in all others, he inflexibly trod the path where duty called. His life and death constitute a great tragedy. For, in spite of his vast ability and his lofty character, he was fighting against fate. His biography should be studied by every thoughtful American, North and South.

R. H. DABNEY.